

## Delegated Report

Planning Ref: 24/00854/REM

Applicant: Persimmon Homes Ltd

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

Site: Land East of The Windmill Inn, Brascole Lane, Newbold Verdon

**Proposal: Application for Reserved Matters (site layout, scale, appearance, and landscaping) of outline planning application 22/00277/OUT for 239 dwellings with associated internal road layout, car parking, drainage and landscaping.**

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### 1. Recommendations

#### 1.1. Grant permission subject to:

- Planning conditions outlined at the end of this report

### 2. Planning Application Description

2.1. This is a reserved matters application for the residential development of 239 dwellings with associated internal road layout, car parking, drainage, and landscaping. The application follows the approval of outline permission 22/00277/OUT for the erection of up to 239 dwellings via appeal decision. The development consists of 143 open market residential dwellings and 96 affordable dwellings.

2.2. All the proposed dwellings are two-storey with proposed materials including red brick and render to elevations and grey or brown roof tiles. There are also several feature properties in key locations across the development, these are differentiated through the use of architectural features such as chimneys and some include render.

2.3. Vehicular access is from the approved access point on Brascole Lane. A main 'spine road' then runs west to east with several secondary roads running north and south, and smaller private driveways beyond this. The proposal includes several areas of public open space integrating play space, as well as a large country park in the southern section of the site. Attenuation ponds are proposed in the central and northern parts of the site.

### 3. Description of the Site and Surrounding Area

3.1. The application site covers approximately 14.3 hectares of agricultural land and lies to the east of Brascole Lane to the south of Newbold Verdon. There are allotments to the north-west and south-west of the site, and The Windmill Inn Public House also lies directly to the south west. The village centre / main street is located to the north, with amenities including a primary school, medical centre, places of worship and retail facilities. Agricultural fields surround the rest of the site, and the site is not bound by any existing residential development. Site access is from Brascole Lane and there are no Public Rights of Way running through the site. The site's topography is relatively flat, falling by approximately 2m towards the site's north eastern edge. The site boundaries to the north and east are defined by hedgerows.

3.2. There is an existing field access point from Brascole Lane towards the northwest corner of the site, approximately 80m north of the proposed access, and approximately 500m south of the centre of Newbold Verdon, with a footpath on the eastern side of Brascole Lane along the entire western boundary of the site. Footpath S26 lies beyond the eastern boundary of the site.

3.3. There are no statutory landscape designations or protected trees, and no designated or non-designated heritage assets within the vicinity of the site. The Grade I Newbold Verdon Hall and Grade II Listed Church of St James are located over 600 metres to the northwest and is divided from the site by built development.

#### 4. Relevant Planning History

- **22/00277/OUT** – Proposed development of up to 239 dwellings (Outline – access only). Refused September 2023, Allowed at Appeal May 2024 (Ref. APP/K2420/W/23/3331081).

#### 5. Publicity

5.1. The application has been publicised by sending out letters to 47 neighbouring properties. A site notice was also posted within the vicinity of the site, and a notice was displayed in the local press.

5.2. One objection has been received. The following concerns were raised:

- Concern regarding dogs, children and general trespassers entering the fields with Horses
- Concern regarding potential poisonous hedgerows or trees to be planted on the boundary, with a preference for beech and willow trees.
- Request for dwellings to be set away from boundary with Faraway, with adequate screening
- Concern regarding water levels for nearby dwelling as it is sourced from a well, and how the development may impact this.

#### 6. Consultation

6.1. Newbold Verdon Parish Council – “*all roads must be adoptable and have street lighting*”

*Officer comment: LCC Highways have been consulted and have no objections subject to conditions. The applicant has confirmed that the internal layout will be built to adoptable standards.*

6.2. Kirkby Mallory, Peckleton and Stapleton Parish Council – No objection

6.3. Leicestershire County Local Highway Authority (LHA) – The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the NPPF, subject to conditions and/or planning obligations.

The LHA provides advice on measures needed to enable adoption of the internal road network and these amendments have been undertaken by the applicant. The LHA are satisfied that an appropriate level of car parking has been provided and the provision of an electric car charging point for each plot is also welcomed. Standard highway conditions are proposed.

6.4. National Highways- No objection.

6.5. Coal Authority – No comment.

6.6. LCC Drainage – No objection.

6.7. LCC Minerals - Exempt from safeguarding '*applications for reserved matters including subsequent applications after outline consent has been granted*'.

6.8. Environment Agency – No new comments to make. Comments will be made at discharge of condition stage.

6.9. Active Travel England – No comments to make.

6.10. Leicestershire Police – No objections but provide advice.

6.11. LCC Archaeology – We note the submission of a Written Scheme of Investigation (WSI) for archaeological evaluation (submitted 25/09/2024). As noted in my recent comments, provided 20/09/2024, Condition 18 refers to the subsequent mitigation works (area excavation) as outlined in our comments provided 19/05/2022. We are yet to see a copy of the WSI outlining this programme of work.

*Officer comment: This is to be addressed via the pre-commencement condition attached to the outline permission 22/00277/OUT.*

6.12. LCC Ecology – No objections subject to conditions.

6.13. HBBC Drainage – No objection - suitable SuDS scheme covered by condition on outline application 22/00277/OUT.

6.14. HBBC Affordable Housing – As this scheme is in a rural area 40% of the dwellings should be for affordable housing. 75% should be for affordable rent and 25% for shared ownership. However, the policy relating to tenure has been superseded by national guidance. Whilst 96 properties should be provided for affordable housing, the tenure split would be determined by the guidance in National Planning Policy Framework which states that: “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.” Government has also introduced First Homes as a form of affordable home ownership, and requires that after a transitional period, 25% of all affordable housing on qualifying sites should be for First Homes.

The properties meet the preferred mix and tenure type of affordable housing for the site, and the number of properties meets the 40% affordable housing provision set out in policy. The distribution of the affordable homes across the site is also satisfactory. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.

6.15. HBBC Environmental Services – No objection.

6.16. HBBC Waste – No objections subject to a condition regarding provision for waste and recycling storage and collection.

## 7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery

- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Housing Needs Study (2024)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide (LHDG) (2024)

**8. Appraisal**

8.1. In this instance the principle of development of the site has already been established by planning permission 22/00277/OUT. Therefore, the proposal is acceptable in principle, subject to all other planning matters being satisfactorily addressed. The key issues therefore in the determination of this application are considered to be:

- Housing mix and affordable housing
- Design and Impact upon the Character of the Area
- Archaeology
- Impact upon residential amenity
- Impact upon Parking Provision Highway Safety
- Ecology and Biodiversity
- Flooding/Drainage
- Other matters
- Conclusion

**Housing Mix and affordable housing**

8.2. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Key Rural Centres.

8.3. Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes. The overall aim is to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

8.4. Paragraph 66 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

8.5. The site delivers 239 dwellings in accordance with the outline permission and delivers at least 40% affordable homes as required by the S106 Agreement

8.6. The Council's Affordable Housing Officer has pointed out that across the Borough

there are, as of 20th December 2024, 436 Applicants in need of affordable homes and 25 of those with a local connection to Newbold Verdon. The Affordable Housing Officer states that the mix of dwelling types and tenure split is acceptable.

8.7. Condition 5 of the outline planning permission states that:

*“Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council’s adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details”*

8.29. The Schedule of Accommodation is shown below alongside the suggested mix from the Council’s latest Housing Needs Study:

	Market Dwellings		Affordable Home Ownership		Affordable Housing (rented)	
	Proposed Development (%)	Housing Needs Survey (%)	Proposed Development (%)	Housing Needs Survey (%)	Proposed Development (%)	Housing Needs Survey (%)
1- bed	0	5	0	20	8	25
2- bed	23	35	58	50	54	35
3- bed	42	40	42	25	38	30
4+ bed	35	20	0	5	0	10

8.8. The affordable home ownership mix is broadly in accordance with the suggested mix albeit no 4+-bed properties are offered with a slightly higher than suggested number of 2-bed and 3-bed properties. The affordable rental mix is generally in accordance with the suggested mix, however similarly to the affordable ownership, no 4+ bedrooms are proposed and there is a slightly higher offer of 2-bed and 3-bed properties. The Affordable Housing Officer has stated that they are happy to support the mix and type of affordable units set out on the site plan and layout. The proposed mix of affordable housing is in general accordance with the suggested mix outlined in the 2024 Housing Needs Survey.

8.9. With regards to the market mix, there is an imbalance in terms of the percentage of 2-bed dwellings provided and the percentage of 4+-bedroom dwellings. This is a matter that was discussed at length with the Applicant and was negotiated by the LPA from an original position of 16% 2-bed, 29% 3-bed and 55% 4+-bed to the current vastly improved position. Whilst the current position is still a substantial departure from the proposed HNS mix, the LPA have offered a degree of flexibility in this case and considered that the final position of the Applicant did not warrant a reason for refusal subject to all other material considerations being addressed. Therefore, on balance, it is considered that the market housing mix is acceptable in this case.

8.10. Overall, a mix of housing and tenures is proposed. There is some variation with regard to the market housing mix in comparison to the Housing Needs Survey, however, this is considered acceptable on balance in this particular case. The development is therefore considered to comply with policies 15 and 16 of the Core Strategy.

#### **Design and Impact upon the Character of the Area**

8.11. Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed places.

8.12. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.13. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment.

8.14. Paragraph 187(b) specifically highlights that this should be achieved by, “Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services...”

8.15. This is supported by Policy DM4 of the SADMP, which states that development in the countryside will be considered sustainable where:

- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
- ii.) It does not undermine the physical and perceived separation and open character between settlements; and
- iii.) It does not create or exacerbate ribbon development.
- iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
- v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

8.16. DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020.

8.17. The outline planning permission allowed up to 239 homes on a 14.3 hectare site that had a developable area of 6.6 hectares representing an overall density of less than 17 dwellings per hectare but a net density of 36 dwellings per hectare, which meets the minimum of 30 dwellings per hectare set out in Policy 16 of the Core Strategy. The proposed development matches the parameters agreed at outline stage, providing 239 dwellings on a developable area of 6.6 hectares, achieving a net density of 36 dwellings per hectare.

8.18. Condition 21 of the outline permission requires that the development is to be implemented in general accordance with the Illustrative Masterplan. It is considered that the development accords with the principles of the illustrative masterplan and parameters plan. The location of the spine road, developable area, SUDs features, open space/country park and retained vegetation accords with the approved plans.

8.19. The western part of the site lies within the Bosworth Parkland character area, whilst the eastern part of the site lies within the Newbold and Desford Rolling Farmland character area. The site does not include any defining features. The site is well screened by the existing mature hedgerows around the perimeter, largely limiting views to Brascote Road (though farm accesses), the allotments, the footpath to the east of the site, and Newbold Verdon Cricket Club.

8.20. As part of the appeal decision for the outline permission, the Inspector concluded that the proposed change from an arable field to a residential development, albeit with substantial areas of open space and parkland, would affect the intrinsic character of the site. However, this will be visually self-contained, whilst the proposed open space provides the opportunity to incorporate positive landscape features.

8.21. As part of the Landscape Visual Impact Assessment (LVIA) submitted with the outline application, some key landscape principles were recommended as mitigation measures for the development:

- *Enhancement of existing hedgerows through laying, replanting, and gapping up, and the planting of new hedgerow trees;*
- *New hedgerows, mature trees in naturalistic groupings and new single mature specimen trees characteristic of the rural fringe landscape and the vegetation structure of the wider rural landscape beyond the site;*
- *Extensive areas of planting and open space provided within the new Country Park, providing links to existing recreational routes around the village (in particular for those users of Brascote Lane which forms part of a circular pedestrian route around the village known locally as 'The Block').*

8.22. The proposed landscaping scheme includes reinstated historic hedgerow running through the centre of the country park. Additional native hedgerows and shrub planting is proposed to soften long areas of brick walls and around the frontage of corner turning plots. Tree planting is proposed along the full length of the main vehicular access and spine road, and additional tree planting is included throughout the scheme including areas of open space and the country park. As well as the primary access point, there are two further pedestrian links to Brascote Lane at the south of the site (north of The Windmill Pub) and at the northwestern corner of the site, next to the allotments. This footpath within the site follows a circular route linking the proposed LEAP, LAPs, and Country Park.

8.23. The existing housing character in Newbold Verdon is varied, with a mix of semi-detached, terraced and detached dwellings. Materials are predominantly brick with some render present, roof tiles are generally slate or grey concrete roof tiles with some red clay tiles interspersed. Thirteen house types are proposed across the site, all are two-storey dwellings and are predominantly semi-detached with detached and terraced properties interspersed. The house types are tenure blind with each house type including porches, a combination of window arch/sill detailing and details such as stretcher courses which will achieve a good level of design in terms of architectural detailing and variation between the designs of the dwellings.

8.24. The proposed materials include a mix of red brick, with some feature plots featuring silver pearl render. A mix of grey and brown roof tiles are proposed, and 10% of the plots will include chimneys at the request of the LPA. Where plots turn the corner, windows are proposed on each elevation and in most cases these properties are semi-detached dwellings with front elevations on each side. Overall, the combination of materials, architectural detailing and overall dwelling design is considered acceptable.

8.25. Garden boundaries are 1.8m high close boarded timber fences in most areas, however, 1.8m brick walls are proposed along garden boundaries which are highly publicly visible. 1.2m post and rail fencing is proposed along the edge of the balancing ponds, and 0.45m knee rail fencing is proposed where the edge of the roads and streets meet open space and the country park. Overall, the boundary treatments are acceptable.

8.26. The Good Design Guide encourages the provision of parking in a range of ways to suit the context, character and density of a site. Parking is generally on plot in front or to the side of houses in driveways, with some plots also including detached or integrated garages. The level of frontage parking creates some expansive runs of parking in areas of the development; however this is mostly alleviated by soft landscaping breaks. This is judged to be acceptable on balance having explored layout options. Some plots experience a degree of remote parking, particularly the corner plots. However, this is limited, and pathways and rear access points have been included to create a direct walkway in most cases. It is considered that the proposed parking arrangement is also acceptable on balance.

8.27. The outline consent includes a number of conditions relating to design matters which require discharge. This includes requirements to submit and receive approval for a lighting strategy, waste and recycling storage, and secure cycle

storage. These require separate discharge of conditions applications.

8.28. In conclusion, it is considered that subject to conditions, the proposal responds to and respects the character of the area, including its countryside setting. The proposal accords with the parameters of the outline consent. The development therefore accords with policies DM4 and DM10 of the SADMP, and the relevant provisions of the Good Design Guide and NPPF.

### **Archaeology**

8.29. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk-based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.

8.30. This was assessed at outline stage, with a pre-commencement condition included for the submission and approval of a Written Scheme of Investigation. This condition has been discharged by the LPA.

### **Impact on residential amenity**

8.31. Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

8.32. Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.33. The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.

8.34. The site is separated from the existing settlement boundary of Newbold Verdon, therefore most existing properties would not be impacted by issues such as loss of privacy, overbearing or loss of light impacts. There is one property “Far Away” beyond the eastern boundary of the site. Whilst this property would experience changes in the landscape, minimum separation distances are met as per the GDG, and there would be no unacceptable impact to residential amenity.

8.35. Furthermore, separation distances are met between the proposed units on the development and the layout is judged to create adequate amenity relationships in that regard.

8.36. To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible. It is considered that the dwellings comply with the internal floor space standards of required by the THS.

8.37. The Good Design Guide also outlines general guidelines for garden sizes including a minimum garden length of 7m and garden areas of 80sqm for a three-bed house and 60sqm for a two-bed house. A garden size schedule has been submitted following concerns about substandard garden sizes on the development, with numerous being adapted during the course of the application. Most plots now comply with the GDG with regards to garden sizes, although several now have contrived/diagonal

boundaries which is unfortunate but is considered preferable to a situation where a higher proportion of gardens fall below the minimum garden sizes.

- 8.38. Despite the multiple revisions to the layout, housing mix, and garden arrangements, nine plots still fail to comply with the GDG in terms of garden area, and the applicant has stated that further amendments to rectify this would result in knock-on effects to the layout. Due to this shortfall, an assessment must be made as to whether this would cause significant harm to the amenity of future occupants. In this case, the development contains multiple areas of open space (including a country park) which is easily accessible for future occupants. Considering this, on balance, the lack of compliance with the GDG for a limited number (4%) of garden sizes is not judged to warrant refusal of the development. However, considering the shortfall to some garden sizes and the layout of built form, it is judged to be necessary to remove permitted development rights for extensions and outbuildings for certain plots where uncontrolled additional development could lead to an unacceptable amenity impact for future occupants through the loss of further outdoor amenity space. These plots are listed in the recommended condition at the end of this report.
- 8.39. By virtue of these factors, the proposal is not considered to have any significant adverse impacts to the residential amenity of the future occupants of the scheme or neighbouring residents. Therefore, the proposal is considered to be in accordance with Policy DM10 of the SADMP.

### **Impact upon Parking Provision and Highway Safety**

- 8.40. Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas and other transport elements reflect national guidance. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.41. Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.42. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, and does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.43. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.44. Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required if the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.45. Access was a matter for consideration at outline stage and the proposed access arrangements were judged to be sufficient to serve the development. A Travel Plan was submitted and approved under the outline consent.

8.46. The development is designed such that there is a main spine road from the access point which runs through the centre of the site, with secondary street running north and south, some creating circular routes.

#### *Internal Layout*

8.47. Following several amendments to the scheme, the Local Highway Authority (LHA) has advised that the layout is still not designed to an adoptable standard and any further necessary amendments to the road layout can be agreed at Section 38 stage. Notwithstanding this, the LHA confirm that is in a position to advise no objection subject to conditions.

8.48. The following amendments would be required at this stage prior to the application being determined should the Applicant wish for the internal layout to be considered for adoption:

- Unadoptable road design - The design plan details that the roads shown below, fail to serve the required number of direct frontage access points (minimum of 6 or more) as detailed in (LHDG) ref the link below design principles.
- With reference to STR 14, Plot 79 does not have direct frontage access on to STR14 therefore the road does not serve 6 plots directly, information can be found [here](#). It should be noted even if the road provides access to private drives this is not counted as direct frontage access.
- Future development - We note the developer may look to use roads STR14 to extend the development in the future, the developer will need to note that LCC will not adopt this road as it fails to serve the required number of direct frontage access points.
- Forward visibility - Please detail the forward visibility that can be achieved at the bend adjacent to Plot 173.
- Please note! Gradients should conform to the standards set out in Table DG3: further information can be found [here](#).

8.49. Conditions are recommended including compliance with the submitted plans, private access drives, the provision and retention of visibility splays, provision of site drainage details and the removal of permitted developments to ensure no obstructions to vehicular access points. Subject to both the conditions on the outline consent and those included within the list of conditions, the proposal complies with policies DM17 and DM18 of the SADMP, and the relevant provisions of the NPPF and LHDG.

#### **Ecology and Biodiversity**

8.50. Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.

8.51. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have confirmed there is no objection to the proposed development subject to conditions relating to Biodiversity habitats and Biodiversity Net Gain. Officers were satisfied that as a result a biodiversity net gain would be achieved on the site. The development therefore accords with Policy DM6 of the SADMP.

#### **Flooding/Drainage**

8.52. Policy DM7 of the SADMP outlines that adverse impacts from flooding will be prevented. Developments should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated in line with National Policy. Policy DM10 outlines the requirement for an appropriate Sustainable Drainage Scheme.

8.53. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

8.54. The site is a greenfield totaling 14.3 ha in size with the developable area being circa 6.6ha. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a low to medium risk of surface water flooding. The surface water proposals seek to discharge to four onsite attenuation basins before being discharged at a QBar discharge rate of 34.3l/s via detention basins to the onsite watercourse to the north of the site.

8.55. Conditions on the outline approval ensure that no development can commence until a surface water drainage scheme and details of maintenance have been submitted and approved by the LPA.

8.56. HBBC's drainage officer has raised no objection owing to the above conditions.

8.57. No additional conditions are proposed by the LLFA. Therefore, to the aforementioned conditions, the development is considered to comply with Policy DM7 of the SADMP.

### **Other matters**

8.58. Officers identified that some of the play spaces in the Country Park do not include pedestrian links. Similarly, some of the amenity space around the LEAPs and LAPs is inconsistent between the approved plans. To ensure that all necessary open space and play space remains usable and accessible, these matters have been addressed via conditions which will be addressed prior to the commencement of development.

## **9. Equality implications**

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3. There are no known equality implications arising directly from this development.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1. The principle of development has been established through the outline planning permission 22/00277/OUT. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions within this application and the conditions imposed within the allowed outline planning application.

## **11. Recommendation**

11.1. **Reserved Matters be approved** subject to:

- Planning conditions outlined at the end of this report

## **11.2. Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings within the "Newbold Verdon Drawing Register" received 13.03.2024.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. Notwithstanding the submitted landscaping plan Drawing No. BG24-292-BRGR-ZZ-ZZ-DR-L-00012 Rev 3., prior to the commencement of development a scheme of hard and soft landscaping works for the site, including an implementation scheme, is to be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the development provides safe and convenient access for all users, and to ensure that the development has a satisfactory appearance in accordance with Policies DM4, DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings or the provision of buildings etc. incidental to the enjoyment of the dwellinghouses shall be carried out to/on any Plots other than Plots 5, 12, 17, 18, 51, 52, 97, 98, 109, 116, 117, 120, 126, 127, 129, 130, 131, 140, 155, 174, 175, 183, 184, 207, 209, 226, 227, 234 unless planning permission for such development has been granted by the Local Planning Authority.

**Reason:** To protect the character of the surrounding area and to safeguard the amenity of dwellings and to ensure that an acceptable level of private amenity space is retained, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 139 of the NPPF (2024).

4. No development shall commence above floor plate level, until full details of the substation and pumping station, including brick and roof tile materials to match the proposed dwellings, have been submitted in writing to and approved in writing by the local planning authority. Thereafter the development shall be implemented and maintained in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with General Arrangement, drawing number 23042-015-Rev E. Thereafter the onsite parking provision shall be maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

8. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2024).

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

10. No development shall commence until full details of the equipment (including seating, bins, and country park signage), boundary treatments and hard surfacing in the public open space have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and maintained in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory external appearance and provides satisfactory green space and play provision in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 19 of the Core Strategy (2009).

11. Prior to commencement of development, full details of a scheme for the location of bat roosting and bird nesting features to be integrated into buildings and suitable hedgehog gaps in boundary features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any dwelling hereby permitted features shall be installed on the site in accordance with the approved details. Photographs of the integrated bird and bat boxes and hedgehog gaps within the new dwellings should be provided in order to fully discharge this condition.

**Reason:** To ensure that the development has no harmful impact on protected species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The development hereby approved shall be implemented in strict accordance with the Biodiversity Net Gain Plan (Brindle & Green, September 2024) unless otherwise agreed in writing by the LPA. As per Section 6.2 monitoring reports should be submitted to the LPA for approval in years 2, 3, 4, 5, 10, 15, 25 and 30 following the habitat creation and initial enhancement works. The monitoring reports should detail the monitoring results, and any remedial actions required.

**Reason:** To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

## Informatics

1. The conditions imposed on outline planning permission ref: 22/00277/OUT shall also be complied with.
2. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and

Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.

3. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
4. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
5. Any highway that is not to be adopted by the Local Highway Authority should, as a minimum, be constructed to adoptable standards.
6. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
7. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
8. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).